

accelerated dramatically by this bill which seeks to push all of the Nation's pension plans into termination in favor of 401(k)s.

Pass this motion to recommit.

Mr. GEORGE MILLER of California. Mr. Speaker, I have no further requests for speakers. I believe I have the right to close. Is that correct?

The SPEAKER pro tempore (Mr. TERRY). The gentleman is correct.

Mr. McKEON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have no further speakers either. You know, it has been decades since we have had real, meaningful pension reform. And we could sit here and we could talk. It kind of reminds me of fiddling while Rome burned.

I think the time to move is now. We passed the bill with 294 Members of our House voting for it. Now it is time to go to conference, meet with the other body, get this resolved so we can help all of these people that we are all talking about.

I would ask that my colleagues reject this motion to instruct, and we get on with the business of the conference.

Mr. Speaker, I yield back the balance of my time.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, Members, this is a very straightforward proposition. This is about whether or not this House of Representatives will go on record to try and give the airlines the ability, the time, and the means by which they may treat their employees better by holding onto their current pension plans; whether they freeze them or they take some other action in conjunction with their employees so that their employees will not be thrown for the loss that the United employees saw when that company decided that it would use the PBGC, the Pension Benefit Guaranty Corporation, just as a convenient tool to discharge in bankruptcy those employees' pension plans that devastated those employees, the United employees, and devastated their families.

Why are we doing this on this legislation? Because it is very interesting, through the course of this legislation during the consideration in the committee and on the floor, we could never quite get a vote on airlines. Now we are going into a conference committee, and the Republicans say, oh, everything is going to be just fine. And yet we know that already this conference committee is starting to attract attention, that this may be a vehicle for other measures that are unable to move in this Congress.

And so we do not know what is going to be in play. So we wanted to make sure that the Members of the House have the opportunity to say that these airlines ought to be able to try and work this out.

The other factor is that time is running against these airlines. They are

going to have to declare and make a decision relatively soon.

We do not know if this conference is going to be committed. So it is just a question for the Members, do you or do you not want to be able to be on record to suggest that this would be better treatment for these employees, hopefully for these companies, than what happened under the United pension plan.

You saw what Mr. POMEROY said: many, many business executives, people involved in the pension business, have looked at this bill, and they have said that this bill is going to make it more difficult, make it more costly and probably lead to additional terminations.

The Pension Benefit Guaranty Corporation, the people that handle this problem when all else fails, told us this is worse than current law. Now, you can ride that animal if you want, but you may also, if you are deeply concerned about the airline employees in your area, you may also want to vote for this motion to instruct so we send a clear message to the House conferees and the committee, have refused to have this vote at any stage of the process, that we be allowed to have a vote, and that we support the effort of having the airlines be able to work this provision out.

That is what this motion to instruct does. It is important. It is important to the airlines. It is important to the employees. It is important to their families. It is important to how we look at solving this difficult problem of holding onto people's retirement nest eggs and to the pension plans that they are currently in.

This is presented as some great pension reform. It really does little or nothing to forestall the trend that we now see developing in terms of the termination of pension plans and people losing their retirement nest eggs.

Mr. Speaker, I would urge the House to support the motion to instruct.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California (Mr. GEORGE MILLER).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4167, NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

Mr. GINGREY. Mr. Speaker, by direction of the Committee on Rules, I

call up House Resolution 710 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 710

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4167) to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes. No further general debate shall be in order. The bill shall be considered as read. The bill shall be considered for amendment under the five-minute rule. Notwithstanding clause 11 of rule XVIII, no amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1415

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Georgia (Mr. GINGREY) is recognized for 1 hour.

Mr. GINGREY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. GINGREY asked and was given permission to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, House Resolution 710 provides for further consideration of the bill under a structured rule. Having discussed this last week on general debate, it provides that no further general debate shall be in order, it makes in order only those amendments that are printed in the report, it provides that the amendments printed in the report may be offered only in the order that they are printed in the report, may be offered only by a Member designated in the report, and shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report and provides one motion to recommit with or without instructions.

Mr. Speaker, I rise in support of House Resolution 710 and the underlying bill, H.R. 4167, the National Food Uniformity Act of 2005.

Mr. Speaker, today the House will resume consideration of the National Food Uniformity Act of 2005 after having conducted general debate on the overall bill last Thursday, and this rule will allow us to move forward with the consideration of several amendments, most which are Democratic-sponsored amendments.

As I mentioned last week, currently food regulation is composed of a variety of different and sometimes inconsistent State requirements. Collectively, this hodgepodge of regulations not only inhibits interstate commerce, but it also drives up the cost for consumers.

Mr. Speaker, these different regulations from State to State for the same product create too many unnecessary costs and they jeopardize the well-being of consumers nationwide. Make no mistake, businesses cannot simply and completely absorb these unnecessary and additional costs, and therefore the consumers across this Nation, they are the ones who absorb the expense for labeling inconsistencies.

Without question, lower-income citizens truly feel the brunt of any additional cost to their food bill. Feeding one's family is not optional, and therefore any reduction to the cost of food will lower the cost of food products and help to ensure food on every table regardless of income.

Additionally, Mr. Speaker, this bill is not designed to deprive the public of life- or health-saving knowledge but, rather, to ensure that all consumers regardless of geography have this knowledge. If the Department of Health, as an example, in New York learns that a candy bar a day can give you tooth decay, then the citizens of Georgia as well as the citizens from each and every State should have access to that same knowledge through the FDA. This simply makes sense and has the potential to prevent future illnesses and save lives.

Further, while I have already spoken at length about the overall benefits of this bill, I would like to discuss one particular criticism made by the opponents. I have heard some say this bill is an assault on States rights. Well, I am an ardent supporter of States rights and I can attest this legislation is not designed to step on any State's toes. This bill does, however, guarantee all citizens access to the same information and warnings concerning their food while ensuring States not only can petition for their labeling requirement to be made part of the national standard, but they also can obtain a waiver for their State's requirement even though it need not be applicable to the other 49.

Mr. Speaker, H.R. 4167 is a common-sense piece of legislation that not only seeks to ensure nationwide knowledge of potentially lifesaving information

but also to drive down costs for all consumers.

I urge my colleagues on both sides of the aisle to support the rule and move forward with a thoughtful debate on the amendments and support final passage of the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us addresses a fictional problem. Simply put, the Nation's largest food companies think that States are giving consumers too much information about the food they use to feed their families.

Along with the corporate lobbyists who wrote this bill, and we all know who they were because the paper printed them this week, these companies think it is wrong that States tell people when the bottled water on their supermarket shelves has high levels of arsenic.

They think it is wrong to inform a pregnant woman that eating mercury-laden fish could do serious damage to a fetus. And what about letting people know that their ground beef was treated with carbon monoxide? That apparently is wrong too. And I want to elaborate on that for just a moment. Many stores now buy their meat from common suppliers instead of having their own butchers at hand. In order to keep it looking fresh and looking better for a longer time, they treat it with carbon monoxide. You know, if you die from carbon monoxide poisoning, you turn a nice, bright, pink-red, which is what their meat does, and then they can keep it even for months. I saw a picture of one from November that it looked like it had just been butchered yesterday.

That is apparently wrong too. Do you want to eat that?

They want us to buy more and think less about health and safety and that alone is the motivation behind this bill. Supporters of the bill claim all they want to do is to make consumer protections the same for all Americans. But that is not what this bill will do. Most States already give their citizens much more information about the food than the Food and Drug Administration even requires. In fact, 80 percent of the food safety work performed in the United States is done by State and local officials. They are the ones with the expertise, the on-the-ground experience, and are needed to keep consumers safe, and they have been doing a good job. But this law will allow the FDA to invalidate State labeling laws and apply their own lower standards nationwide.

Listen, mothers, this is important. The consequences of this bill are going to be drastic. Within a matter of months, 200 State food safety laws will be wiped off the books. Will they be the ones that protect your child from an asthma attack or from dyes that would hurt them?

The experienced State health officials who want their regulations back are going to have to come, hat in hand, to the FDA and ask for permission to give their States more information than the Federal Government requires, which is paltry. They will have to plead with the FDA bureaucrats to keep the food safety laws in place, laws that their own legislatures and citizens have already established. In other words, they would have to seek approval from an agency that does not keep us safe anymore, an agency that cannot meet its current workload, and that, as we all know, has been in the business of approving drugs that turned out to be killing people and had to be removed from the market.

Now, I grew up believing that the FDA took care of me. And that was a lot like believing in the Tooth Fairy and Santa Claus, because if I have learned one thing in the last 5 years, it is the FDA cannot do that. But suddenly the party of States' rights and small government wants to forget about both. Instead, it wants to send quality State regulations that are protecting Americans into a bureaucratic black hole.

Mr. Speaker, the people and organizations most concerned about the safety of our Nation's food stand in strong opposition to this bill. Attorneys General and public health and safety officials from all over the United States, in fact most of them, if not all of them, have come out against it and begged us not to pass it. In fact, the Association of Food and Drug Officials recently wrote a letter to the Representative who sponsored this bill, asking him to reconsider his own legislation.

He said, "Members of the AFDO are State and local governments with no profit motive." That is the key here. These people have no profit motive, merely a public health concern, who feel strongly that the legislation will gravely impair State and local authorities' ability to protect their constituents.

Mr. Speaker, that letter is as follows:

THE NATIONAL ASSOCIATION OF
STATE DEPARTMENTS OF AGRICULTURE,

Washington, DC, February 27, 2006.

DEAR MEMBERS OF CONGRESS: The National Association of State Departments of Agriculture (NASDA) is writing to reiterate our concern and strong opposition to H.R. 4167, the National Uniformity for Foods Act. NASDA represents the commissioners, secretaries and directors of the state departments of agriculture in the fifty states and four territories.

The House is scheduled to vote on H.R. 4167 this week and we urge you to oppose this legislation. The state departments of agriculture are very concerned that this bill goes far beyond its stated purpose of providing uniform food safety warning notification requirements and greatly expands federal preemption under the Food, Drug and Cosmetics Act. Such additional preemptions would seriously compromise our ability to enact laws and issue rules in numerous areas of food safety. Specifically, we believe the bill as currently written threatens existing state food safety programs and jeopardizes state/

federal food safety cooperative programs such as those related to Grade A milk, retail food protection and shellfish sanitation.

As you know, the current food safety regulatory system in the United States is the shared responsibility of local, state and federal partners. Approximately 80% of food safety inspections in the nation are completed at state and local levels. It is imperative that states have the right to act quickly to address local and statewide public health concerns that cannot be anticipated or are not adequately addressed nationally. In addition, our existing food safety system forms the first line of defense against the threat of a terrorist attack against our nation's food supply. Passage of this legislation will undermine the authority of state laws and programs that address adulterated foods, including animal feed, commodity laws and other food defense programs.

NASDA firmly believes the preemption of state and local food safety programs would leave a critical gap in the safety net that protects consumers. We call on Congress to hold hearings to discuss these critical issues and seek full input from state and local partners in the food safety system. NASDA would welcome the opportunity to discuss ways the bill could be amended to achieve its intent while limiting the impact on critical food safety regulatory programs at the local and state levels.

Now is not the time to pass H.R. 4167 and we urge you to oppose this legislation until these important issues are addressed.

Sincerely,

J. CARLTON COURTER III,

President.

As is often the case, the bill before us does more than provide just another example of how private interests trumped the public good in today's Congress. It also shows us how broken and undemocratic our political system has become. No hearings were held on this legislation. No State and no local public health officials were called to testify about it, even though they offered.

Both the National Association of State Departments of Agriculture and the Association of Food and Drug Officials expressed their willingness to talk to Congress about the issue, but they were turned away. These dedicated public servants were ignored because this legislation could never have withstood proper scrutiny. It was written with special interests in mind, not the public interests, pure and simple.

Last year the majority pledged honest and immediate reform of the way Congress wrote its bills, because when the public caught on to what was going on here, there was a great outcry. And yet here we are, in a new year, doing the very same thing: handing over the public interests to private corporations.

I wish we had an open and democratic process in this House. We need to stop passing bills that hold the public interest in contempt, and we need to start today. I urge my colleagues to oppose this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to point out to the gentlewoman in regard to the

amendment process, there are six amendments made in order. One, of course, is a manager's amendment which just makes very technical changes, as everybody knows. So really four out of five of the amendments that the Rules Committee have made in order on this bill are Democratic amendments.

The gentlewoman brought up the issue about Mr. STUPAK's amendment and the use of carbon monoxide in regard to making meat continue to have a fresh appearance. Carbon monoxide has been used for 4 years in not only meats but other processed foods. It is perfectly safe. There is an herbal food company that has some other process that they use to do the same thing, to make food products, in particular, meat, maintain their redness and fresh appearance for a longer period of time. There is absolutely, absolutely no evidence whatsoever that the process that has been in place and approved by the FDA for more than 4 years in any way, shape or form is harmful. So that is the reason why that particular amendment was not made in order.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. COOPER).

Mr. COOPER. Mr. Speaker, I have never made a speech like this before. I am cosponsor of this bill. I think like a businessman, because our companies do need uniformity and simplicity. But I am outraged that a bill like this would come through the House of Representatives without a single hearing. That is the job of Congress, to hold hearings, to find out the facts, to listen to the debate, to sometimes participate in the debate to hear the pros and cons.

I am wondering right now what the food industry is afraid of. Why are they trying to ram this piece of legislation through this House?

Now, if we were to have hearings, I may well vote for the bill because I am predisposed that way. It makes sense to me. But I am not for a cover-up, and that is exactly what you get when you have no hearings on legislation.

This body needs to do its job. So I would urge my colleagues and staff who are watching on television, reconsider, even if your boss has cosponsored this bill. Because what are we afraid of? We need hearings on this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to direct their remarks to the Chair, not to the television audience.

□ 1430

Mr. GINGREY. Mr. Speaker, I yield myself 45 seconds just in response to the gentleman from Tennessee.

The gentleman acknowledged, Mr. Speaker, that he is a cosponsor on the bill and in all probability will vote to support the bill. I know he has some concerns over process, but he used the phrase "coverup," and I noticed the

gentleman is very intelligent. If there were any coverup involved in this bill, he certainly would not have his name attached to it, nor would he be acknowledging that he would probably support it.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I rise today in strong opposition to H.R. 4167, the National Food Uniformity for Food Act, and the rule under which this bill is being considered. If passed, this bill will be a huge setback to consumer safety, public health, and America's war on terror.

This bill wipes out 200 food safety laws and puts our Nation's food supply squarely in the hands of the FDA. State laws that will be overturned include warnings regarding the risk of cancer, birth defects, reproductive health issues, and allergic reactions associated with sulfating agents in bulk foods. That is why 37 bipartisan State attorneys general and the Association of State Food and Drug Officials oppose this legislation.

The bill would also prevent States from passing laws regarding the safety of packaged meat.

Mr. Speaker, I would like to direct your attention to these pictures. Which meat do you think is older, the red meat on the top or the brown on the bottom? Both are the same age. Both have been sitting in a refrigerator side by side for 5 months.

The meat on the top has been packaged with carbon monoxide, which causes the meat to look red and fresh long into the future. The meat on the bottom has not. It is brown and slimy. Like I said, the meat on the top is 5 months old and looks as good as new, but it is not. If consumed, you could become severely ill from a food-borne pathogen like e. coli and possibly die.

The FDA, without any independent studies, states it has "no objection" to allowing meat to be packaged in carbon monoxide. The FDA merely reviewed the meat industry carbon monoxide proposal. Review is not the same as independent research and studies.

By allowing the injection of carbon monoxide in meat and seafood packaging, the meat industry stands to gain \$1 billion a year because meat, as it turns brown, consumers reject it.

Numerous studies from 1972 through 2003 cite that color is the most important factor that consumers rely on to determine freshness in whether or not to buy the meat. The whole purpose behind this carbon monoxide package is to extend the shelf life of meat and seafood and to deceive the consumer into thinking it is fresh and safe.

Today States may pass their own laws to label meat that has been packaged with carbon monoxide, but these laws will be overturned if H.R. 4167 becomes law. My commonsense amendment would have allowed States to

label carbon monoxide-packaged meat so consumers would know that their meat may not be as fresh as it looks. Unfortunately, my amendment was rejected by the Rules Committee. This is what consumers have to work with now. This will be the standard if H.R. 4167 passes.

Just as the FDA caved in to the meat industry in approving this practice, the majority has caved in to the meat industry in blocking a vote on my amendment. The House deserves a full and open and fair debate on this issue and on my amendment.

I urge a "no" vote on the rule and a "no" vote on H.R. 4167.

Mr. GINGREY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last week it was brought up about the number of organizations that were opposed to this bill. I want to submit for the RECORD at this point a list of 119 from all 50 States across the Nation that support this, small businessmen and women, large businesses, including the H.J. Heinz Company and many, many others.

GROUPS SUPPORTING H.R. 4167—THE NATIONAL UNIFORMITY FOR FOOD ACT OF 2005

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Ahold, Albertson's, Altria Group, Inc., American Bakers Association, American Beverage Association, American Feed Industry Association, American Frozen Food Institute, American Plastics Council, American Meat Institute, American Spice Trade Association, and Animal Health Institute.

Apple Products Research and Education Council Association for Dressings and Sauces, Biscuit and Cracker Manufacturers Association, Bush Brothers & Company, Business Roundtable, Cadbury Schweppes plc, California Farm Bureau Federation, California Grocers Association, California League of Food Processors, California Manufacturers & Technology Association, Calorie Control Council, and Campbell Soup Company.

Cargill, Incorporated, Chocolate Manufacturers Association, The Coca-Cola Company, Coca-Cola Enterprises Inc., ConAgra Foods, Inc., Council for Citizens Against Government Waste, Dean Foods Company, Del Monte Foods, Diamond Foods, Inc., Flavor & Extract Manufacturers Association, and Flowers Foods, Inc.

Food Marketing Institute, Food Products Association, Frito-Lay, Frozen Potato Products Institute, General Mills, Inc., Gerber Products Company, Glass Packaging Institute, Godiva Chocolatier Inc., Grain Foods Foundation, Grocery Manufacturers Association, and H.J. Heinz Company.

The Hershey Company, Hoffmann-La Roche Inc., Hormel Foods Corporation, Independent Bakers Association, Institute of Shortening and Edible Oils, International Association of Color Manufacturers, International Bottled Water Association, International Dairy Foods Association, International Food Additives Council, International Foodservice Distributors Association, and International Formula Council.

International Ice Cream Association, International Jelly and Preserves Association, The J.M. Smucker Company, Jewel-Osco, Kellogg Company, Kraft Foods, Inc., Land O' Lakes, Inc., Maine Potato Board, Masterfoods USA, McCormick & Company, Inc., and McKee Foods Corporation.

Milk Industry Foundation, The Minute Maid Company, National Association of Con-

venience Stores, National Association of Manufacturers, National Association of Margarine Manufacturers, National Association of Wheat Growers, National Association of Wholesaler-Distributors, National Cattleman's Beef Association, National Cheese Institute, National Chicken Council, and National Coffee Association of USA.

National Confectioners Association, National Fisheries Institute, National Frozen Pizza Institute, National Grape Cooperative Association, National Grocers Association, National Institute of Oilseed Products, National Milk Producers Federation, National Pasta Association, National Pecan Shellers Association, and National Pork Producers Council.

National Potato Council, National Restaurant Association, National Turkey Federation, Nestle USA, North American Millers' Association, Osco Drug, O-I, Peanut and Tree Nut Processors Association, Pepperidge Farm Incorporated, PepsiCo, Inc., and Pickle Packers' International.

The Procter & Gamble Company, Quaker Oats, Rich Products Corporation, Rich SeaPak Corporation, Safeway, Sara Lee Corporation, Sav-on Drugs, The Schwan Food Company, Snack Food Association, Society of Glass and Ceramics Decorators, and Supervalu Inc.

Target Corporation, Tortilla Industry Association, Tropicana, Unilever, United Fresh Fruit and Vegetable Association, U.S. Chamber of Commerce, Vinegar Institute, Welch Foods, Inc., Winn-Dixie, Wm. Wrigley Jr. Company, and Yoplait.

In regard to the gentleman from Michigan who just spoke about the issue regarding the treatment of meats and this issue about carbon monoxide, look, the same thing is done, as an example, I would not think that he would be opposed to the use of lemon juice on apples to keep them from turning brown. That is routinely done.

Let me also point out that the FDA and USDA have both approved the use of carbon monoxide for over 4 years. The news report would lead one to believe that carbon monoxide is being used to mask spoilage, but the USDA discounted that assertion back in 2004.

In reality, this story is more a result of private companies with older packaging technology unable to compete with newer competitors that have a better product.

Mr. STUPAK. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Speaker, as to meat and fish, as the gentleman knows, the FDA just issued their rule not even 3 weeks ago, 4 weeks ago, and they did it without any independent studies. They just said they just reviewed it, no study, no research, no nothing.

So what you may use lemon juice on apples is a far cry different than carbon monoxide on meat and seafood, and especially tuna, which most people consume in a raw state.

Mr. GINGREY. Mr. Speaker, reclaiming my time, as I say, this process has been going on for over 4 years. I do not know that there have been any reports of people harmed in any way by the process, and, again, I think this is just a competitive issue between a company that has herbal food or herbal products

they are using and they would rather those be used, and, sure, ban the other process and remove competition.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 30 seconds to say to my friend that there is a far cry between lemon juice, as Mr. STUPAK said, and carbon monoxide. Let me tell you, if you believe the FDA, ask the people who took Vioxx. They do not have a very good record over there.

But the idea of putting carbon monoxide on there is to hide the fact that the meat is on the verge of spoilage. I do not want to feed it to my family, nor should you want to feed it to yours.

His list of people who support it have the profit motive that the attorneys general and the State consumer representatives all told us was the difference between them and his supporters.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER).

(Mr. HOYER asked and was given permission to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I agree with the gentlewoman and the gentleman from Michigan, but I want to speak about the previous question, which the general public really does not understand.

But if we defeat the previous question, we get an opportunity to offer an amendment to this piece of legislation. Because so few pieces of legislation are passing this body, we have to take the opportunities you get, and I appreciate that the chairman of the Appropriations Committee Mr. LEWIS has stated that he will insert language in the supplemental appropriation bill this afternoon, a supplemental for the war in Iraq and hurricane recovery, that will block the takeover of major American seaports by a Dubai company owned by the United Arab Emirates.

The Appropriations Committee will mark up that supplemental spending bill today, and it may be considered on the House floor next week, but the American people should harbor no illusions. We have absolutely no idea when the other body will take up this spending bill. Moreover, we have no idea of whether the Senate bill will even include a provision that addresses the vital national security issue of who owns our ports.

In fact, just today, Senator STEVENS, who chairs the Defense Appropriations Subcommittee, is quoted as saying, "I believe it ought to go through the 45-day review." So they are not going to take it up very soon.

Mr. Speaker, every Member of this House has the opportunity right now today to go on record as opposing the management of American seaports by a company owned by a foreign government. Now, it is not owning the seaports, but managing those seaports, and there is no excuse for not doing so. We have the opportunity.

If we defeat the previous question, that will be our intent, to offer an

amendment to this bill, send it to the Senate, which will preclude ownership of the management of the ports of America by the Dubai corporation owned by the state. I urge every Member, oppose the previous question on the rule in order to allow consideration of language blocking the port deal.

Furthermore, I urge the American people to not lose sight of the bigger issue. This administration and this Republican Congress have failed to do what is necessary to protect our homeland and our people from attack. Just last week Steven Flynn, a former Commander of the Coast Guard and an expert on homeland security, testified before the House Armed Services Committee, "My assessment," this is the Commander of the Coast Guard, now retired, "My assessment is that the security measures that are currently in place do not provide an effective deterrent for a determined terrorist organization intent on exploiting or targeting the maritime transportation system to strike at the United States."

Five years after the catastrophic attacks of September 11, there is simply no excuse for these continuing vulnerabilities to our national security. Today, by voting "no" on the previous question, we have an opportunity to say no to the management of America's ports by government-owned entities. Vote "no" on the previous question.

Mr. GINGREY. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Iowa (Mr. KING), my friend.

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia (Mr. GINGREY) and appreciate you yielding me time, and I rise in support of H.R. 4167, the National Uniformity for Food Act and in support of this rule.

Ensuring food safety is a partnership between the Federal Government and the States. However, while it is a partnership, a national food supply requires a national approach to food safety. H.R. 4167 would allow for an orderly review of existing State regulations that may differ from Federal regulations. The legislation carefully balances the need for uniformity, while respecting the important role State and local governments have in making sure our food supply is safe.

Under the current system States may impose contradictory regulations, imposing unnecessary complexity and cost on food processors, manufacturers and wholesalers throughout the United States. That translates into costs that are passed on to the consumers, not to mention the tax burden, Mr. Speaker, for administration of different and duplicative regulations.

Science-based food warnings should be applied uniformly. If a warning about food is supported by science, then consumers in all 50 States should have the benefit of this warning. Inconsistent warning requirements confuse consumers, which does not lead to sound decisionmaking.

This bill will result in allowing States and the Federal Government to work together in establishing science-based food safety policies. Consumers are not protected well under a system where States adopt different regulatory requirements on the same food products. Consumers deserve a commonsense approach, a clear, single standard.

To speak to an example, a 2002 study conducted by Swedish scientists that provided evidence to support that a substance with cancer-causing properties called acrylamide was formed in some snacks and other foods when fired or baked at very high temperatures, but since 2002 some additional studies have confirmed these results, causing some States to consider warning label requirements for foods containing acrylamide.

Specifically, in August of 2005, the California attorney general filed a lawsuit against several different manufacturers of potato chips and French fries and has requested a court order requiring companies to label certain food products containing acrylamide with a warning of the agent and its cancer-causing properties.

The Food and Drug Administration does not currently require States to place a warning label on products which contain acrylamide after the baking process. Therefore, enactment of H.R. 4167 would, for all practical purposes, prohibit the State of California from requiring food manufacturers to place an acrylamide warning on their products unless the State filed a petition for exemption with the Secretary of Health and Human Services, or unless the FDA decided to set California as a requirement for the country as a whole.

This is a well-balanced bill, Mr. Speaker. It brings good, sound science to the table, and it provides for a regulation and a means for the States to make their case with the FDA so that the entire United States of America can benefit from the wisdom of the Californians.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, after hearing the last speaker on the other side of the aisle on this rule, he claimed this is a bill that is well-balanced, thought through; it would lead to national regulations based on science. That all sounds well and good, but it is just not true.

□ 1445

This bill has never had a day of hearings. We don't know all that is in this bill. You wonder why the Congress would do its work in this way: a bill that has never had a hearing in the committee, even though it has been around for three Congresses. Those who favor it have never made a record of why they think it is necessary. The opponents from most of the States, if you look at this map there are a few States

we have not heard from, but almost all the States attorneys general and Governors and agriculture commissioners and the food and drug people in those States oppose it, but they have never been able to come in and tell the Congress why. So the other side has never had a chance, nor has our side of the aisle, to hear testimony and to make a record, and yet we are told this bill is well balanced.

Let me point out that the proponents of this legislation have said a lot of different things. It has been almost like a covert legislative campaign. They have sent people in from the districts, from some trade association or other, and said to Members, this is a national uniformity bill. It is just going to clarify the law. It is going to require all the States to have the same rules so that we will not have the burden on interstate commerce.

Well, they have never shown there is any burden on interstate commerce. But it sounded so good that many Members cosponsored the bill without fully understanding that this bill is going to overturn 200 State laws that protect our food supply. Why are we doing that? What is broken about our system of federalism that allows the States to pass laws to protect their own people? And now the proponents of this bill want States to come, hat in hand, to the Food and Drug Administration, a wonderful bureaucracy at the Federal level, not even elected people, and that agency will decide whether the State laws can continue in effect? They will have higher power than the States legislatures and Governors?

That is not a well-balanced or well-thought-through piece of legislation. And now we are on the floor arguing a rule that would so severely limit the time for debate on all the amendments and this bill that you have to ask yourself: Why is this going on? What are they hiding from us? Why don't they want this bill to be held up to public scrutiny through hearings? And why won't they let this bill be fully debated on the floor of the House of Representatives by the people's elected Representatives? Why do they have to rush this through?

Mr. Speaker, this is the early part of March. We have barely been in session. We have been meeting 2½ days out of each week as we go from recess in January to recess in February to recess in March. Let us have another day. Congress can do its work. We don't have to rush out to another CODEL or another junket. We ought to do our job and let people come in and tell us what they think of bills and not get steamrolled into something that no one has fully examined and that would repeal State laws. So let us vote against this legislation.

Mr. GINGREY. Mr. Speaker, I yield myself 3 minutes. In response to the gentleman from California, in regard to those 200 State laws that, as he said, protect our food supply, Mr. Speaker, many if not most, maybe not all, but

many if not most of those State laws would be incorporated in the national food label that is allowed by the FDA.

And in this bill in particular, and I know the gentleman is very familiar with the bill, but let me just read a couple of provisions. The provision allows both exemptions from national uniformity and the adoption of a State requirement as a uniformed national standard, one of those 200 he mentioned, any State may petition the FDA to obtain an exemption from the requirement of national uniformity for a particular requirement. The FDA may grant the exemption if the State or local requirement protects an important public interest that would otherwise be unprotected.

Furthermore, Mr. Speaker, this provision recognizes that special circumstances may justify a warning requirement in a particular State like California, or a locality, even though that requirement should not apply throughout the country. Thus, the need for local protection is fully recognized under the legislation.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from California.

Mr. WAXMAN. The problem I have with what you are saying is that a State has to go to the Food and Drug Administration and argue that case, and they may then be allowed to continue their laws. But even if there is no Federal law on the subject, the States may be stopped from enforcing or even legislating in an area to give warnings or set up standards for the safety of the food.

Why should States be required to go to a bureaucratic agency to have permission to do what the Constitution of the United States permits them to do, which is to police powers for the safety and health and well-being of their own citizens? You, particularly from Georgia, ought to appreciate States rights.

Mr. GINGREY. Reclaiming my time, Mr. Speaker, and certainly the gentleman is right, I do honor and respect States rights, but the fact that there are 200 laws today in the 50 States, there could be 800 a year from now and there could be no end to this process.

I think in further responding to the gentleman's inquiry, certainly it is appropriate that States in these situations would appeal to the Federal Government, if you will, the FDA. And the decision to either grant or not grant is not going to be based on anything but solid science, on sound facts and not scare issues, like this issue over the way meats or other foods are processed in a low-oxygen environment to maintain their fresh appearance and their red color, that we have been doing for 4 years in a perfectly safe manner.

Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, the standard in this bill is not sound

science. The standard is for the FDA to decide if it unduly burdens interstate commerce to allow a State to have its own law. Now, I do not know how the FDA makes those kinds of decisions. They are a scientific agency, but they are going to make one on interstate commerce? And I suspect they will be influenced by the lobbyists, just like this whole process has been influenced by the special interests and the lobbyists that want to keep the States from protecting citizens in those States from unsafe and unhealthy food.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, this bill is just another example of why the people of this country need to fear this Congress and the people who lead it. What this bill does is preempt State laws on food safety.

We have people who come down here to the floor of the House and argue for States rights. Now they present to us a bill which denies States rights; denies the States the ability to protect their citizens by watching the food that they eat. All of those State laws are going to be washed away by this legislation. It is probably even unconstitutional. The Constitution provides the States with the authority to protect its citizens. But we are now hearing from the majority party that they want to pass a law which denies States that right. No longer will they be able to protect their citizens.

Eighty percent of our Nation's food safety inspection is regulated by State and local entities. As we have heard, there are 200 laws. It has taken us more than 200 years to get those 200 laws in almost 50 States. Those laws protect our people. Now they are going to turn that over to the Food and Drug Administration. The FDA is not adequately protecting the people of our country today with regard to drug safety. The FDA is too close to the pharmaceutical companies. Yet now they are going to pass a bill which stops the States from protecting citizens, whether they are eating in a cafeteria, a lunchroom, a hospital, or some other situation, from passing a law that is going to make certain that the food that they are eating there is not going to cause them to be ill, maybe poison them in some way.

That is what they want to do, have the Federal Government step in here on top of the States, deny the States the right that they have under the Constitution to protect the health and safety and welfare of their citizens by passing legislation which preempts all of those State laws. This is a very bad idea and it must be defeated.

The National Uniformity for Food Act is poorly-drafted legislation that would preempt state law on food safety.

From Consumer's Union: "This bill would eliminate critical state laws that protect consumer health while leaving in place an inadequate federal system based on the lowest common denominator of protection.

Eighty percent of our nation's food safety inspection is regulated on the state and local levels.

If enacted, the measure would essentially abrogate at least 200 state laws that build on federal law, as well as state laws that exist in the absence of any federal regulation (such as state laws on items including shellfish and smoked fish safety, milk, nursing home food, and cafeteria food).

If states wished to continue enforcement of their laws, they would need to petition FDA for permission.

The Congressional Budget Office estimates that the FDA could spend upwards of \$100 million over the next five years on those petitions.

The measure would also stop states from creating food labels if they are not identical to federal labels.

The measure is opposed by the National Association of State District Attorneys, the Center for Science in the Public Interest, the Humane Society, and Physicians for Social Responsibility, which calls this a "major health threat."

Mr. GINGREY. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, in this debate we see the irony of the majority leadership of the House of Representatives in a rather strange way. They are rushing to get to the floor a provision that has barely been debated and discussed, that is highly controversial, highly technical, and not very well understood by a lot of people. An absolute rush to get this to the floor.

The number one issue, I trust in most Members' districts, it sure is in mine, is the urgent pendency of a deal that would turn over major port operations throughout this country to a company wholly owned by the United Arab Emirates, an ally of rather questionable and debatable standing with the United States.

Now, this is going to happen, this port deal, if Congress does not act. The President has made that very clear. And many of us believe that we need to get to this floor right now, not later, legislation on this issue so that the majority can work its will. Members on both sides of the aisle have said this is what we need to be doing right now. But there is nothing on the agenda to do anything about that. Nothing.

We are going to go off for another recess, and who knows what is going to be negotiated on this deal when we are gone? My sense is this is what our constituents want us to debate and legislate on, the wisdom or lack thereof of this port takeover deal.

We will have an opportunity by voting "no" on moving the previous question to bring to this floor a piece of legislation the American people really do want debated right now; don't want sent back to committee for further hearings or further consideration.

This is just bizarre. It is bizarre. A piece of legislation that appears to be a solution in search of a problem is rushed to the floor so it can be considered, and something that is acknowledged from coast to coast by both parties in both Chambers as a huge problem cannot make it to the floor at all.

Well, we have a chance to do something about that. Vote "no" on the previous question and make the people's House reflect the people's business.

Mr. GINGREY. Mr. Speaker, I continue to reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ of Pennsylvania. Mr. Speaker, on Monday, I was briefed on current security and commerce issues by the executives of the Port of Philadelphia. These men and women operate the world's largest freshwater port and one of the Nation's strategic military seaports.

While there, we discussed the key role the Philadelphia and other U.S. ports play in our national and global economy, the fact that the United States is the leading maritime trading Nation in the world, and how last year more than 11 million containers, carrying our basic necessities and supplies, came to our Nation's ports and how our seaports account for 75 percent of international commerce.

We also talked about how a significant disruption in our port system would be devastating to our economy, causing massive shortages of food, oil, and other vital commodities. Yet despite these facts and despite universal agreement that our vessels, our containers, and ports are potential terrorist targets, this administration approved a deal allowing a United Arab Emirates-controlled company to oversee operations at six major U.S. ports, including the Port of Philadelphia.

□ 1500

My colleagues, this administration quietly tried to move this deal forward without informing Congress or without informing the American public. Even knowing the serious threats against us, this administration relinquished its right to conduct an in-depth national security investigation of this proposed acquisition and, instead, approved the deal. It is unacceptable that this administration was prepared to allow a country whose key agencies, including security and monetary agencies, have allegedly been infiltrated by al Qaeda; and in fact, this was a country which was the port of origin for two of September 11's hijackers, and they want this company controlled by this country to operate vital U.S. ports.

This administration has behaved with no accountability and no responsibility regarding U.S. oversight and control of our ports. For years, despite knowing the needs and the threats, this administration repeatedly turned

a blind eye to port security. Since September 11, this administration has provided only 16 percent of the funds needed to secure our ports, and has neglected to issue security standards for our ports, including a long delay on important port worker ID cards. These failures are outrageous and unacceptable.

So today, my Democratic colleagues and I are calling on Congress to address one of the most immediate national security issues facing our Nation and the American people today: Dubai Ports World deal. Clearly we should take up this matter immediately before considering the National Food Uniformity Act, legislation that tramples on our States rights and fails to improve the health of our Nation's food supply.

I urge a "no" vote on the previous question.

Mr. GINGREY. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I think we have so little time to talk about this bill on the House floor, I wanted some of our colleagues to understand what kind of laws we are talking about: State laws dealing with adulterated food, emergency permit controls, unsafe food additives, unsafe color additives, new animal drugs, animal feeds, poisonous ingredients in food. These are laws that States have adopted over the years and they are going to be swept away.

It is so inexplicable to me why we would want to do that. States currently carry out 80 percent of food safety protection. There is no evidence they have been acting irresponsibly or incompetently. And in many cases, the Federal Government has never gotten around to looking at these issues because they have deferred to the States on them. So now the State laws will be struck unless the Federal Government allows those State laws to stay in effect and that could mean, even though there is no Federal warning law, for example, that would take its place. We would have no law at the local or State level, or at the Federal level. I guess the purpose of some of this legislation is to keep the public from knowing about the harm that they may be exposed to in food.

Now Mrs. CAPPS and a number of others are going to be offering an amendment, the Capps-Stupak-Eshoo-Waxman amendment, that would say that State laws that require notification of substances that may cause cancer and birth defects in reproductive health all ought to be permitted. I hope Members will vote for that amendment and vote against this bill.

Mr. GINGREY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the point is, as we have stated repeatedly in regard to this bill, if a State does appeal to the Federal Government, to the FDA, for a labeling requirement that they have concerns

about in their particular State, no matter how long it takes the Federal Government to respond, indeed if they do not respond, then that label requirement will be applicable to that unique problem that that State has recognized.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. GINGREY. I yield to the gentleman from California.

Mr. WAXMAN. It gives 180 days for the FDA to act. They do not have the resources to do it, but they can simply say this is a burden on interstate commerce, the State law is gone. It does not mean that the State law stays in effect until the Federal Government establishes a national standard. It could strike the State law and have no national standard to replace it.

Mr. GINGREY. Mr. Speaker, reclaiming my time, it is a 180-day appeal process, but if the Federal Government does not respond, it is my understanding, and I will be glad to talk to the gentleman later if he still thinks I am in error in my interpretation of this bill, but I think the point that I made was an accurate statement with regard to that.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will be asking for a "no" vote on the previous question, so that I can amend the rule to give the House an opportunity to vote today, up or down, to block the President's plan to turn over our Nation's ports to a government run by the country of Dubai.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. GUTKNECHT). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, my amendment provides that immediately after the House adopts this rule, it will bring up legislation that stops the President from moving forward with his deal to transfer operations at a number of our Nation's busiest ports to a company owned by the United Arab Emirates.

Mr. Speaker, now more than ever, we need to ensure that Congress has a voice in the outcome of this potentially dangerous and secretive deal.

On Monday of this week, Great Britain's highest court refused to consider an objection to the purchase of the British shipping company by Dubai, thus clearing the way for the sale and potential takeover of American ports by this company. Additionally, and many people may not know this, news reports this week have revealed that the contract negotiated by the Bush administration would impact more than just the six ports mentioned in

the initial reports. It would affect at least 22 ports in the United States.

The more we learn about the agreement, the worse it gets, and the clock is ticking on this deal and we must not allow more time to go by without taking any action in this body.

Mr. Speaker, I include for the RECORD a listing of ports that make up the 22 ports.

DUBAI DEAL NOW INCLUDES 22 PORTS

WASHINGTON.—The \$6.8 billion deal British courts approved today putting a Dubai-owned company in charge of significant operations at six U.S. ports, also gives the company a lesser role in other dockside activities at 16 other American seaports. By purchasing London-based Peninsular and Oriental Steam Navigation, DP World bought the publicly traded British firm's concessions to manage and operate some cargo or passenger terminal facilities in New York, New Jersey, Baltimore, New Orleans, Miami and Philadelphia.

The Department of Homeland Security has said DP World would only operate and manage specific, individual terminals located within six ports. Homeland Security says DP World would operate one of Philadelphia's five terminals, not including the port's single cruise ship terminal.

Last week, DP World formally submitted to an unusual, broader security examination by the Bush administration over the ports deal. Among the new cities included in the deal are Camden, N.J. and Wilmington, Del.

Here is a list of all U.S. ports affected by the pending sale of London-based Peninsular & Oriental Steam Navigation Co. to Dubai-owned DP World:

BALTIMORE: Would manage and operate two of the port's 14 terminals.

BATON ROUGE, LA: DP Would run some stevedoring operations at port's general cargo dock.

BEAMONT, TEXAS: Would run one of about six stevedoring operations.

BOSTON: Operate Black Falcon Cruise Terminal with Massachusetts Port Authority; would run stevedoring operations at the Moran Automobile Terminal.

CAMDEN, N.J.: Run some stevedoring operations, part owners Delaware River Stevedores.

CORPUS CHRISTI, TEXAS: Operate some stevedoring operations, part of joint venture, Dix-Fairway.

DAVISVILLE, R.I.: Run some stevedoring operations.

FREEPORT, TEXAS: Run some stevedoring operations.

GALVESTON, TEXAS: Run stevedoring operations at one terminal.

GULFPORT, MISS: Would become one of two stevedoring companies.

HOUSTON: Work with stevedoring contractors at three of port's 12 terminals.

LAKE CHARLES, LA: Operate some stevedoring operations.

MIAMI: Operate/manage with Eller & Company Inc., one of three terminals; doesn't include Miami's seven cruise ship terminals and would operate some stevedoring services.

NEWARK: Operate and manage one of the port's four terminals.

NEW ORLEANS: Manage and operate two of the port's five terminals and doesn't include chemical-plant terminals along the Mississippi River.

NEW YORK: Manage and operate the New York Cruise Terminal.

NORFOLK, VA: Involved with stevedoring activities at all five port terminals and would not manage any of the terminals.

PHILADELPHIA: Operate one of five terminals and doesn't include the port's single cruise ship terminal.

PORT ARTHUR, TEXAS: Operate as one of three stevedoring companies.

PORTLAND, MAINE: Operate as one of stevedoring companies serving Portland's terminals and take over crane maintenance at one terminal.

TAMPA, FLA: Operate/manage terminals under pending contract negotiated Feb. 21; Port authority says will reconsider deal if DP World deal is finalized; also provide some stevedoring services.

WILMINGTON, DEL: Run some stevedoring operations as part owners Delaware River Stevedores, one of two stevedoring companies at the port.

Mr. Speaker, I urge all Members to vote "no" on the previous question and then we can deal with this matter which has an urgency to everyone in this country.

Mr. Speaker, I yield back the balance of my time.

Mr. GINGREY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I will draw this debate to a close so we can move forward with consideration of the amendments to H.R. 4167.

This bill should receive wide and bipartisan support because it does ensure everyone has access to the same food labeling information. Why would we want to deprive anyone of life- or health-saving information while driving down the cost of products for all consumers?

Mr. Speaker, as I have previously mentioned, there is no reason, nor is there any excuse to allow regulatory inconsistency to drive up cost and keep some consumers in the dark on matters that may affect their health.

As a physician Member of Congress, I have been and will remain committed to supporting legislation that will prevent illness and save lives.

Mr. Speaker, let me conclude my remarks by reminding my colleagues that defeating the previous question that the other side of the aisle is talking about, in fact used probably half of their allotted time to discuss. This is an exercise in futility because the minority wants to offer an amendment that otherwise would be ruled out of order, as they know, as nongermane. So the vote is totally without substance.

The leadership of this House has already committed to bring forward legislation next week in regard to this very sensitive issue that we share on both sides of the aisle regarding port security. The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive policy implications whatsoever.

Mr. Speaker, at this point I include for the RECORD an explanation of the previous question.

THE PREVIOUS QUESTION VOTE: WHAT DOES IT MEAN?

House Rule XIX ("Previous Question") provides in part that:

There shall be a motion for the previous question, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the im-

mediate question or questions on which it has been ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the previous question has no substantive legislative or policy implications whatsoever.

In closing, I want to encourage my colleagues on both sides of the aisle to support the rule, and let us move forward with debate on several thoughtful amendments from both parties and ultimately supporting the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION STATEMENT ON H. RES. 710

2ND RULE PROVIDING FOR CONSIDERATION OF AMENDMENTS TO H.R. 4167

At the end of the resolution add the following new sections:

"SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House a bill consisting of the text specified in Section 3. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit with or without instructions."

SEC. 3. The text referred to in section 2 is as follows:

None of the funds made available in this Act or any other Act may be used to take any action under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170) or any other provision of law to approve or otherwise allow the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World.

(b) Notwithstanding any other provision of law or any prior action or decision by or on behalf of the President under section 721 of the Defense Production Act of 1950 (50 U.S.C. App. 2170), the acquisition of any leases, contracts, rights, or other obligations of P&O Ports by Dubai Ports World or any other legal entity affiliated with or controlled by Dubai Ports World is hereby prohibited and shall have no effect.

(c) The limitation in subsection (a) and the prohibition in subsection (b) applies with respect to the acquisition of any leases, contracts, rights, or other obligations on or after January 1, 2006.

(d) In this section:

(1) The term "P&O Ports" means P&O Ports, North America, a United States subsidiary of the Peninsular and Oriental Steam Navigation Company, a company that is a national of the United Kingdom.

(2) The term "Dubai Ports World" means Dubai Ports World, a company that is partly owned and controlled by the Government of the United Arab Emirates.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. GINGREY. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 710 will be followed by 5-minute votes on adoption of H. Res. 710, if ordered; motion to instruct on H.R. 2830; motion to suspend the rules on H.R. 4192; motion to suspend the rules on H.R. 1053; motion to suspend the rules on H. Res. 673; and motion to suspend the rules on H.R. 3505.

The vote was taken by electronic device, and there were—yeas 223, nays 198, not voting 11, as follows:

[Roll No. 21]

YEAS—223

Aderholt	Fortenberry	Marchant
Akin	Fossella	McCaul (TX)
Alexander	Fox	McCotter
Bachus	Franks (AZ)	McCrery
Baker	Frelinghuysen	McHenry
Barrett (SC)	Gallegly	McHugh
Bartlett (MD)	Garrett (NJ)	McKeon
Barton (TX)	Gibbons	McMorris
Bass	Gilchrest	Mica
Beauprez	Gillmor	Miller (FL)
Biggart	Gingrey	Miller (MI)
Billirakis	Gohmert	Miller, Gary
Bishop (UT)	Goode	Moran (KS)
Blackburn	Goodlatte	Murphy
Blunt	Granger	Musgrave
Boehlert	Graves	Myrick
Boehner	Green (WI)	Neugebauer
Bonilla	Gutknecht	Ney
Bonner	Hall	Northup
Bono	Harris	Nunes
Boozman	Hart	Nussle
Boustany	Hastings (WA)	Osborne
Bradley (NH)	Hayes	Otter
Brady (TX)	Hayworth	Oxley
Brown (SC)	Hefley	Paul
Brown-Waite,	Hensarling	Pearce
Ginny	Herger	Pence
Burgess	Hobson	Peterson (PA)
Buyer	Hoekstra	Petri
Calvert	Hostettler	Pickering
Camp (MI)	Hulshof	Pitts
Campbell (CA)	Hunter	Poe
Cannon	Hyde	Pombo
Cantor	Inglis (SC)	Porter
Capito	Issa	Price (GA)
Carter	Istook	Pryce (OH)
Castle	Jenkins	Putnam
Chabot	Jindal	Radanovich
Chocola	Johnson (CT)	Ramstad
Coble	Johnson (IL)	Regula
Cole (OK)	Johnson, Sam	Rehberg
Conaway	Jones (NC)	Reichert
Crenshaw	Keller	Renzi
Culberson	Kelly	Reynolds
Davis (KY)	Kennedy (MN)	Rogers (AL)
Davis, Jo Ann	King (IA)	Rogers (KY)
Davis, Tom	King (NY)	Rogers (MI)
Deal (GA)	Kingston	Rohrabacher
DeLay	Kirk	Ros-Lehtinen
Dent	Kline	Royce
Diaz-Balart, L.	Knollenberg	Ryan (WI)
Diaz-Balart, M.	Kolbe	Ryun (KS)
Doolittle	Kuhl (NY)	Saxton
Drake	LaHood	Schwarz (MI)
Dreier	Latham	Sensenbrenner
Duncan	LaTourette	Sessions
Ehlers	Leach	Shadegg
Emerson	Lewis (CA)	Shaw
English (PA)	Lewis (KY)	Shays
Everett	Linder	Sherwood
Feeney	LoBlundo	Shimkus
Ferguson	Lucas	Shuster
Fitzpatrick (PA)	Lungren, Daniel	Simmons
Flake	E.	Simpson
Foley	Mack	Smith (NJ)
Forbes	Manzullo	Smith (TX)

Sodrel	Tiahrt
Souder	Tiberi
Stearns	Turner
Sullivan	Upton
Tancred	Walden (OR)
Taylor (NC)	Walsh
Terry	Wamp
Thomas	Weldon (FL)
Thornberry	Weldon (PA)

Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie	Grijalva	Oliver
Ackerman	Gutierrez	Ortiz
Allen	Harman	Owens
Andrews	Hastings (FL)	Pallone
Baca	Hersteth	Pascarell
Baird	Higgins	Pastor
Baldwin	Holden	Payne
Barrow	Holt	Pelosi
Bean	Honda	Peterson (MN)
Becerra	Hoolley	Platts
Berkley	Hoyer	Pomeroy
Berman	Inslee	Price (NC)
Berry	Israel	Rahall
Bishop (GA)	Jackson (IL)	Rangel
Bishop (NY)	Jackson-Lee	Reyes
Blumenauer	(TX)	Ross
Boren	Jefferson	Rothman
Boswell	Johnson, E. B.	Roybal-Allard
Boucher	Jones (OH)	Ruppersberger
Boyd	Kanjorski	Rush
Brady (PA)	Kaptur	Ryan (OH)
Brown (OH)	Kennedy (RI)	Sabo
Brown, Corrine	Kildee	Salazar
Butterfield	Kilpatrick (MI)	Sanchez, Linda
Capps	Kind	T.
Capuano	Kucinich	Sanchez, Loretta
Cardin	Langevin	Sanders
Cardoza	Lantos	Schakowsky
Carnahan	Larsen (WA)	Schiff
Carson	Larson (CT)	Schwartz (PA)
Case	Lee	Scott (GA)
Chandler	Levin	Scott (VA)
Clay	Lewis (GA)	Serrano
Cleaver	Lipinski	Sherman
Clyburn	Lofgren, Zoe	Skelton
Conyers	Lowey	Slaughter
Cooper	Lynch	Smith (WA)
Costello	Maloney	Snyder
Cramer	Markey	Solis
Crowley	Marshall	Spratt
Cuellar	Matheson	Stark
Cummings	Matsui	Strickland
Davis (AL)	McCarthy	Stupak
Davis (CA)	McCollum (MN)	Tanner
Davis (FL)	McDermott	Tauscher
Davis (IL)	McGovern	Taylor (MS)
Davis (TN)	McIntyre	Thompson (CA)
DeFazio	McKinney	Thompson (MS)
DeGette	McNulty	Tierney
Delahunt	Meehan	Towns
DeLauro	Meek (FL)	Udall (CO)
Dicks	Meeks (NY)	Udall (NM)
Dingell	Melancon	Van Hollen
Doggett	Michaud	Velázquez
Doyle	Millender	Visclosky
Edwards	McDonald	Wasserman
Emanuel	Miller (NC)	Schultz
Engel	Miller, George	Waters
Eshoo	Mollohan	Watson
Etheridge	Moore (KS)	Watt
Farr	Moore (WI)	Waxman
Fattah	Moran (VA)	Weiner
Filner	Murtha	Wexler
Ford	Nadler	Woolsey
Frank (MA)	Napolitano	Wu
Gordon	Neal (MA)	Wynn
Green, Al	Oberstar	
Green, Gene	Obey	

NOT VOTING—11

Burton (IN)	Gerlach	Norwood
Costa	Gonzalez	Schmidt
Cubin	Hinchey	Sweeney
Evans	Hinojosa	

□ 1535

Mrs. LOWEY, Mrs. CAPPS, Mrs. JONES of Ohio and Messrs. GORDON, MEEHAN, BAIRD and BECERRA changed their vote from "yea" to "nay."

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mrs. SCHMIDT. Mr. Speaker, on rollcall No. 21, legislative bells failed to go off in my office. I came to the floor as soon as I was notified of the vote, but arrived after the vote had closed. Had I been present, I would have voted "yea".

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 2830, PENSION PROTECTION ACT OF 2005

MOTION TO INSTRUCT OFFERED BY MR. GEORGE
MILLER OF CALIFORNIA

The SPEAKER pro tempore. The pending business is the vote on the motion to instruct on H.R. 2830 offered by the gentleman from California (Mr. GEORGE MILLER) on which the yeas and nays are ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 265, nays 158, not voting 9, as follows:

[Roll No. 22]

YEAS—265

Abercrombie	Davis (TN)	Jackson-Lee
Ackerman	Davis, Tom	(TX)
Allen	DeFazio	Jefferson
Andrews	DeGette	Jenkins
Baca	Delahunt	Johnson (IL)
Baird	DeLauro	Johnson, E. B.
Baldwin	Diaz-Balart, L.	Johnson, Sam
Barrow	Diaz-Balart, M.	Jones (NC)
Bean	Dicks	Jones (OH)
Becerra	Dingell	Kanjorski
Berkley	Doggett	Kaptur
Berman	Doyle	Keller
Berry	Duncan	Kennedy (MN)
Bilirakis	Edwards	Kennedy (RI)
Bishop (GA)	Emanuel	Kildee
Bishop (NY)	Emerson	Kilpatrick (MI)
Blumenauer	Engel	Kind
Boehrlert	Eshoo	Kirk
Bonner	Etheridge	Kline
Bono	Everett	Kucinich
Boren	Farr	LaHood
Boswell	Fattah	Langevin
Boucher	Feeney	Lantos
Boyd	Filner	Larsen (WA)
Brady (PA)	Fitzpatrick (PA)	Larson (CT)
Brown (OH)	Foley	LaTourette
Brown, Corrine	Ford	Lee
Brown-Waite,	Frank (MA)	Levin
Ginny	Gerlach	Lewis (GA)
Butterfield	Gibbons	Lipinski
Capps	Goode	LoBiondo
Capuano	Gordon	Lofgren, Zoe
Cardin	Graves	Lowe
Cardoza	Green (WI)	Lynch
Carnahan	Green, Al	Mack
Carson	Green, Gene	Maloney
Case	Grijalva	Manzullo
Chandler	Gutierrez	Marchant
Clay	Harman	Markey
Cleaver	Hastings (FL)	Marshall
Clyburn	Herse	Matheson
Conyers	Higgins	Matsui
Cooper	Hinche	McCarthy
Costello	Hobson	McCollum (MN)
Cramer	Holden	McCotter
Crowley	Holt	McDermott
Cuellar	Honda	McGovern
Cummings	Hooley	McHugh
Davis (AL)	Hoyer	McIntyre
Davis (CA)	Inslee	McKinney
Davis (FL)	Israel	McNulty
Davis (IL)	Jackson (IL)	Meehan

Meek (FL)	Pombo	Slaughter
Meeks (NY)	Pomeroy	Smith (NJ)
Melancon	Price (GA)	Smith (WA)
Michaud	Price (NC)	Snyder
Millender-	Radanovich	Solis
McDonald	Rahall	Spratt
Miller (MI)	Ramstad	Stark
Miller (NC)	Rangel	Strickland
Miller, George	Regula	Stupak
Mollohan	Reichert	Tancredo
Moore (KS)	Reyes	Tanner
Moore (WI)	Rogers (MI)	Tauscher
Moran (KS)	Rohrabacher	Taylor (MS)
Moran (VA)	Ros-Lehtinen	Thompson (CA)
Murphy	Ross	Thompson (MS)
Murtha	Rothman	Tierney
Musgrave	Roybal-Allard	Towns
Nadler	Royce	Udall (CO)
Napolitano	Ruppersberger	Udall (NM)
Neal (MA)	Rush	Upton
Ney	Ryan (OH)	Van Hollen
Oberstar	Sabo	Velázquez
Obey	Sánchez, Linda	Visclosky
Oliver	T.	Walden (OR)
Ortiz	Sanchez, Loretta	Wamp
Otter	Sanders	Wasserman
Owens	Saxton	Schultz
Pallone	Schakowsky	Waters
Pascrell	Schiff	Watson
Pastor	Schwartz (PA)	Watt
Paul	Schwarz (MI)	Waxman
Payne	Scott (GA)	Weiner
Pelosi	Scott (VA)	Weldon (PA)
Peterson (MN)	Serrano	Wexler
Petri	Shaw	Wolf
Pickering	Shays	Woolsey
Platts	Sherman	Wu
Poe	Skelton	Wynn

NAYS—158

Aderholt	Foxx	Miller, Gary
Akin	Franks (AZ)	Myrick
Alexander	Frelinghuysen	Neugebauer
Bachus	Gallagher	Northrup
Baker	Garrett (NJ)	Nunes
Barrett (SC)	Gilchrest	Nussle
Bartlett (MD)	Gillmor	Osborne
Barton (TX)	Gingrey	Oxley
Bass	Gohmert	Pearce
Beauprez	Goodlatte	Pence
Biggert	Granger	Peterson (PA)
Bishop (UT)	Gutknecht	Pitts
Blackburn	Hall	Porter
Blunt	Harris	Pryce (OH)
Boehner	Hart	Putnam
Bonilla	Hastings (WA)	Rehberg
Boozman	Hayes	Rehberg
Boustany	Hayworth	Renzi
Bradley (NH)	Hefley	Reynolds
Brady (TX)	Hensarling	Rogers (AL)
Brown (SC)	Herger	Rogers (KY)
Burgess	Hoekstra	Ryan (WI)
Buyer	Hostettler	Ryun (KS)
Calvert	Hulshof	Schmidt
Camp (MI)	Hunter	Sensenbrenner
Campbell (CA)	Hyde	Sessions
Cantor	Inglis (SC)	Shadegg
Capito	Issa	Sherwood
Carter	Istook	Shimkus
Castle	Jindal	Shuster
Chabot	Johnson (CT)	Simpsons
Chocola	Kelly	Smith (TX)
Coble	King (IA)	Sodrel
Cole (OK)	King (NY)	Souder
Conaway	Kingston	Stearns
Crenshaw	Knollenberg	Sullivan
Culberson	Kolbe	Taylor (NC)
Davis (KY)	Kuhl (NY)	Terry
Davis, Jo Ann	Latham	Thomas
Deal (GA)	Leach	Thornberry
DeLay	Lewis (CA)	Tiahrt
Dent	Lewis (KY)	Tiberi
Doolittle	Linder	Turner
Drake	Lucas	Walsh
Dreier	Lungren, Daniel	Weldon (FL)
Ehlers	E.	Weller
English (PA)	McCaul (TX)	Westmoreland
Ferguson	McCrery	Whitfield
Flake	McHenry	Wicker
Forbes	McKeon	Wilson (NM)
Fortenberry	McMorris	Wilson (SC)
Fossella	Mica	Young (AK)
	Miller (FL)	Young (FL)

NOT VOTING—9

Burton (IN)	Evans	Norwood
Costa	Gonzalez	Salazar
Cubin	Hinojosa	Sweeney

□ 1548

Mr. ADERHOLT changed his vote from "yea" to "nay."

Messrs. DUNCAN, PETRI, WAMP, GRAVES, POE, SCHWARZ of Michigan, JENKINS, NEY, MARIO DIAZ-BALART of Florida, GREEN of Wisconsin, WALDEN of Oregon, HOBSON, ROHRBACHER, MACK and KELLER changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO DESIGNATE THE PRESIDENT WILLIAM JEFF- ERSON CLINTON BIRTHPLACE HOME IN HOPE, ARKANSAS, AS A NATIONAL HISTORIC SITE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4192.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GOHMERT) that the House suspend the rules and pass the bill, H.R. 4192, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 409, nays 12, not voting 11, as follows:

[Roll No. 23]

YEAS—409

Abercrombie	Brown (OH)	Deal (GA)
Ackerman	Brown (SC)	DeFazio
Aderholt	Brown, Corrine	DeGette
Akin	Burgess	Delahunt
Alexander	Butterfield	DeLauro
Allen	Buyer	DeLay
Andrews	Calvert	Dent
Baca	Camp (MI)	Diaz-Balart, L.
Bachus	Campbell (CA)	Diaz-Balart, M.
Baird	Cantor	Dicks
Baker	Capito	Dingell
Baldwin	Capuano	Doggett
Barrett (SC)	Cardin	Doyle
Barrow	Cardoza	Drake
Bartlett (MD)	Carnahan	Dreier
Barton (TX)	Carson	Duncan
Bass	Carter	Edwards
Bean	Case	Ehlers
Beauprez	Castle	Emanuel
Becerra	Chabot	Emerson
Berkley	Chandler	Engel
Berman	Chocola	English (PA)
Berry	Clay	Eshoo
Biggert	Cleaver	Etheridge
Bilirakis	Clyburn	Everett
Bishop (GA)	Coble	Farr
Bishop (NY)	Cole (OK)	Fattah
Bishop (UT)	Conaway	Feeney
Blumenauer	Conyers	Ferguson
Blunt	Cooper	Filner
Boehrlert	Costello	Fitzpatrick (PA)
Boehner	Cramer	Flake
Bonilla	Crenshaw	Foley
Bonner	Crowley	Forbes
Bono	Cuellar	Ford
Boozman	Culberson	Fortenberry
Boren	Cummings	Fossella
Boswell	Davis (AL)	Frank (MA)
Boucher	Davis (CA)	Franks (AZ)
Boustany	Davis (FL)	Frelinghuysen
Boyd	Davis (IL)	Gallagher
Bradley (NH)	Davis (TN)	Garrett (NJ)
Brady (PA)	Davis, Jo Ann	Gerlach
Brady (TX)	Davis, Tom	Gibbons